IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA 1928

WP(C).No. 19329 of 2006(A)

PETITIONER:

RAJESH. K.M., S/O. N. MANICKAN,
8/376, VADAKKUMURI, KALMANDAPAM,
PALAKKAD.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENTS:
----

1. **REGIONAL TRANSPORT OFFICER,**
   REGIONAL TRANSPORT AUTHORITY, PALAKKAD.

2. **PRAVEEN MOTORS, DOOR NO.12,**
   ERULAPPAN STREET SOWCARPET, CHENNAI.

3. **B. SIVAKUMAR, S/O.BALASUBRAHMANIAM,**
   13/241, EDATHERUVU, PALAKKAD.

BY ADV. SRI.BINOY VASUDEVAN
SRI.K.M.SATHYANATHA MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.19329/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CMP. 1582/2006 FILED BEFORE CJM COURT, PALAKKAD.

EXT.P2:- COPY OF THE PERMIT.

EXT.P3:- COPY OF THE REPRESENTATION .

/TRUE COPY/

tss

P.R.RAMAN, J.

W.P.(C) NO. 19329 OF 2006

Dated this the 1st day of January, 2007

J U D G M E N T

The prayer made in this writ petition is for a mandamus directing first respondent to renew the permit of autorikshaw bearing registration No. KL 9 J-3596 without insisting for a No objection Certificate from the 2nd respondent and also without prejudice to the right of the parties involved in the matter.

2. According to the petitioner he has not hypothecated the vehicle in favour of the 2nd respondent. But the 3rd respondent with whom he has entrusted the matter for remitting the tax, is alleged to have misused his position and hypothecated the vehicle without notice to the petitioner. Admittedly, hypothecation is also entered in the R.C. Book. Therefore if the authorities insist for No objection certificate it cannot be said that they are wrong and as such the direction as sought for cannot be granted.

3. The learned Government pleader appearing on behalf of the State also submits that there is no application pending for renewal as on 10.08.2006. However this is disputed by the petitioner and relies on Exhibit P3. It is not necessary for me to

consider whether any such application is still pending as on date. In case the petitioner wants to approach the 2nd respondent for obtaining the No objection certificate, he may do so without prejudice to his contention and the proceedings already pending before various authorities including criminal cases.

The writ petition is dismissed subject to the above observation.

P.R.RAMAN, JUDGE

Rp